

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DYVEX INDUSTRIES, INC.,	:	
Plaintiff,	:	Civil No. 12-CV-0979
v.	:	(JUDGE MANNION)
AGILEX FLAVORS & FRAGRANCES, INC., et al.,	:	
	:	
Defendants		

ORDER

Based on the foregoing memorandum, **IT IS HEREBY ORDERED THAT:**

1. The motion for summary judgment filed by Agilex defendants, (Doc. 106), based on spoliation of evidence by plaintiff Dyvex, is **GRANTED IN PART** and **DENIED IN PART**.
2. Agilex's motion for summary judgment, (Doc. 106), is **DENIED** insofar as Agilex seeks the dismissal of Dyvex's remaining claims.
3. Agilex's motion for summary judgment, (Doc. 106), is **GRANTED** insofar as Agilex seeks an adverse jury instruction at trial regarding the spoliation inference.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: February 27, 2018

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